

Naples City Council

July 26, 2012

Minutes

The regularly scheduled meeting of the Naples City Council was held July 26, 2012, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, and Dan Olsen. Kenneth Reynolds was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Jim Harper, Connie Patton, Craig Blunt and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dennis Long offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Gordon Kitchen **moved** to approve the agenda. Dennis Long **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of June 28, 2012 regular Council meeting. Dan Olsen **moved** to approve the minutes as presented. Robert Hall **seconded** the motion. The motion passed with all voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. Councilman Kitchen asked about the annuities with the Fire Department. Craig Blunt said Delmer Hyde was not available to speak with so he was not prepared for a discussion on the annuity.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$47,342.02 and asked for an additional \$828.63 for an invoice to QED bringing the total requested to \$48,170.65. Dennis Long **moved** to accept the amount of \$48,170.65. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Robert Hall	Aye
Dan Olsen	Aye

Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

A business license application was received from **Black Ink Equipment** at 540 S Wright Bros Drive. Craig said the business is just getting moved in and still has a few things to set up. Craig stated the building would be used mostly as an office as all of their trucks park somewhere else. Dennis Long **moved** to approve the business license for Black Ink Equipment. Robert Hall **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVAL

Four travel requests were presented to the Council for their approval.

TRAVEL APPROVAL

City Prosecutor - Rachelle Palmer submitted a request in the amount of \$594.66 to attend the City Prosecutors Conference at Zions Park. Robert Hall **moved** to approve the request. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Road Department - Jim Harper submitted a request in the amount of \$30 to attend a UDOT open house on Intelligent Compaction. Mayor Baker asked what Jim would use this for. Jim said they wanted to keep up with the changing technology in road compaction. Craig said it would be a good thing to know for road cuts. Dennis Long **moved** to approve the request. Gordon Kitchen **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

City Recorder - Nikki Kay submitted a travel request to attend the Municipal Clerk's training in Sandy. The amount requested was \$523.77. Robert Hall **moved** to approve the travel. Dan Olsen **seconded** the motion. The motion passed

with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Police Department - Manuel Escoto requested \$200 for car rental expenses to attend training in Alabama. Lieutenant Escoto said all of the expenses for the training are paid for by the Secret Service Department except for the car rental. Dan Olsen **moved** to approve the \$200 for travel. Robert Hall **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Gordon Kitchen **moved** to open a public hearing to receive public input regarding a non-conforming use at 775 South 1500 East for the Equinox Motel. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***PUBLIC HEARING - NON
CONFORMING USE AT 775
S 1500 E - EQUINOX
MOTEL***

Craig Blunt handed out some copies of the site plan for the Equinox Motel and showed samples of the material they will be using on the expansion of the motel. Craig said this would be to the side of the Lazy K Motel and reminded the Council that the motel was there before the City was incorporated but because it is a non-conforming use for the zone it is located in, a public hearing was required. Craig said this will be a two-story motel with about thirty-four rooms. Councilman Hall questioned fire access behind the motel. Craig said there should be enough room. Councilman Hall also questioned the height of the building as it is so close to the airport but also recognized that the airport does not control zoning in Naples City. With no comment from the public, Dennis Long **moved** to close the public hearing. Gordon Kitchen **seconded** the motion.

Gordon Kitchen **moved** to give approval for the owners to proceed with their development. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Craig Blunt reported on the steps that have been taken to ensure health insurance coverage for the two firefighters currently on the City's health insurance plan. Craig reminded the Council that in switching insurance carriers the two firefighters would no longer be covered because they do not work thirty-two hours for Naples City. Craig stated they would be eligible for a mini cobra for twelve months which could be extended to eighteen months. Craig reported that at the end of the twelve months the individuals would have sixty days to obtain other insurance. Craig said one of the firefighters is uninsurable and would probably have to go on the State-sponsored HIP and he believed the other one would be eligible for insurance through their current employer. Nikki Kay explained that in order to set up the HSA accounts the City would be required to pay \$2.95 per employee per month for the company to monitor those accounts. She also wanted the Council to know the health insurance premium for one of the police officers was not included in the budget presented because that officer was not on the health insurance plan at that time. Nikki said the amounts presented to the Council with the initial proposal were amounts that anticipated all of the employees switching to the high deductible plan. She requested that the Council consider going slightly less with their contribution amounts to the HSA. She suggested \$350 for double and family and \$175 for singles. Dennis Long **moved** to approve \$350 and \$175 for the HSA payments, to move forward with the PEHP Health Plans, and to open the budget at a later date to include the cost of insurance for the police officer. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

DISCUSSION AND DECISION REGARDING HEALTH INSURANCE

Jim Harper presented the Council with three bids for a new flail mower. Jim explained that this type of mower can go on an angle or lay flat to mow the edges of the road. He said the mower heads are hammerheads that go up and down and doesn't throw the material out the side as bad. Mayor Baker wanted to know if this type of mower was going to chew up the sides of the road. Jim said they have watched a video about the mower and he doesn't believe it will. He said the mowers are designed so the RPM's they are set for will throw material back instead of to the side. Jim said they wanted to go with a 6' mower and he would prefer the Tiger model sold by the company in Nephi. He said the only drawback would be taking the mower to Nephi for any repairs. Jim stated the mower from AG Equipment and Big B Equipment is the same mower. AG Equipment had the best

EXPENDITURE REQUEST FOR FLAIL MOWER

bid price. Councilman Kitchen wanted to know if this purchase was in his budget. Jim said he budgeted \$15,000 for a mower. Dennis Long **moved** to approve the bid from AG Equipment. Dan Olsen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Jim Harper told the Council that there are many different types of banner brackets and different ways that they attach to the poles. Jim said they want to get new brackets for the poles at the road side park and the poles on 2850 South. Jim asked for approval to purchase thirty new brackets with adjustable bands and gave them a price of \$1,620. Jim said these would be used for the double banners they just purchased. Dan Olsen **moved** to approve \$1,620 for the banner brackets. Gordon Kitchen **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

EXPENDITURE REQUEST FOR BANNER BRACKETS

Craig said they are within a couple of weeks of sitting down with the title company and putting a deed together for the six self-help housing lots in Pheasant Run. Craig said they need to decide if the City wants to put any restrictions or conditions on the deeds. Craig said one of the restrictions could be, if the property is sold in less than seven years then the cost of the lot would be reimbursed back to the City. Craig said they could include restrictions on not allowing the home to be used as a rental home. Councilman Hall wanted to know if the County has ever included any restrictions. Craig did not know about the County but he said Daggett has included similar restrictions on their deeds. Craig said he did check with UBAG and was told the City could include whatever restrictions they wanted. Mayor Baker thought UBAG already had restrictions in place regarding how long the home builders/owners had to stay in the home after building it. Mayor Baker wanted to know why they couldn't put on the deed that the home can't be anything but a single

UPDATE ON SELF HELP HOUSING PROGRAM

family dwelling and not a rental unit. Council Kitchen didn't know if they should be that restrictive and there would be no way to police that. A discussion went back and forth as to what restrictions, if any, should be included on the deed. Some members thought you could include restrictions about not allowing the property to ever become a rental property but didn't believe there was anyway to ever know or prevent such actions. Mayor Baker said if something were included on the deed that required the purchaser to repay the original price of the lot if it was bought for the purpose of renting the home, that might be a deterrent to the purchaser. Mayor Baker wanted to know if Craig was going to write up the conditions and bring those back to the next meeting. Craig said he will need to meet with the title company before the next meeting but he could work with Dennis Judd to get the proper wording and send copies to the Council members. Councilman Kitchen said it could read that if someone buys the home for the purpose of turning it into a rental investment then they would have to reimburse the City the original cost of the lot. Mayor Baker said the purpose of the self-help housing was to provide people with "home ownership." Craig recommended the deed specify that if the home is sold to a new purchaser as a rental investment the purchaser would have to reimburse the City for the original price of the lot. Gordon Kitchen so **moved**. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Craig Blunt gave the Council members a copy of the Unified Animal Control Ordinance provided by the Animal Control Special Service District. Craig asked the Council members to review the Ordinance and be prepared to give feedback at the next meeting. Craig said the City Attorney has a copy of the Ordinance and will be giving his recommendations. Councilman Kitchen wanted to know if the City has an Animal Control Ordinance. Councilman Olsen said they do but it is very outdated. No action was taken on this item.

Craig Blunt told Council members he received a message from Dennis Judd asking if the Council had ever adopted any rules of order for their meetings. Mr. Judd included a copy of the State Code stating that a "municipal legislative body shall adopt rules of order and procedure to govern a public meeting." Craig said back when the City was incorporated the Council discussed what format they would be using to conduct their meetings. Craig said they looked at Robert's Rules of Order but those were very formal. Craig said the

***UNIFIED ANIMAL
CONTROL ORDINANCE***

***RECOMMENDATION TO
ADOPT RULES OF ORDER
FOR COUNCIL MEETING***

Council has always operated on a less formal basis. Craig wrote down some guidelines, according to how the meetings are currently conducted, and wanted the Council to review those guidelines before they consider adoption of those procedures. Councilman Long wanted to know if there has been a problem in the past. Craig said no, he believes the Council needs something to give the public so they know how the meetings are conducted and what to expect. No action was taken on this matter.

Craig Blunt updated the Council concerning the signal light at 2500 South and a meeting he attended with Rocky Mountain Power. Craig said he received a contract from Rocky Mountain Power at the meeting and he was not happy with some of the wording. Craig stated when they met to discuss the final drawings it was noted that the radius on the future Subway was not pulled back enough to match the other radiuses. Craig said the only radius that doesn't conform is the Maverick corner and that is because Rocky Mountain Power won't move their power pole. Craig said when the discussion first started with Rocky Mountain Power to move the pole the cost started at \$23,000 and then it went up to \$32,469 and does not include the directional boring. Craig said it would be an additional \$26,000 for that. Mayor Baker wanted to know if they could dig an open trench after they get under the highway. Craig said they would need to send out a notice for bids to bore under the highway and place the conduit. Councilman Kitchen wanted to know if Craig checked to see if the City could use any of the left over money from the 2500 South construction. Craig said he was waiting for the final cost before inquiring about that. Craig said they will line up the radius on the 7-11 corner but he thought it would cause problems with the sidewalk and the elevation with the driveways. Mayor Baker wondered if they could use some of their money from the highway tax to build up the road at that intersection and then slope it down to the natural backdrop. Craig said it would help in the wintertime for people who use the intersection. Mayor Baker said they could get a design for two or three hundred feet of road with the proper slope and redo the sidewalk. Councilman Kitchen said it would be a good time to look ahead and fix the intersection the way it needs to be. Craig said he would need approval to move forward with bids on the cost to move the power pole and to redo the slope and sidewalk on 2500 South near 7-11. Craig also wanted to take the contract from Rocky Mountain Power and have Dennis Judd correct some of the language in it before anyone from the City signs it. He did not like the

UPDATE ON 2500 SOUTH SIGNAL LIGHT

requirement of third-party relocation cost and providing legal right-of-ways for their company. Craig said he doesn't think the City should do that if Rocky Mountain Power is going outside of the easements. Craig said he would put the items out for bid in the next paper.

Robert Hall **moved** to go into a closed session to discuss the character, professional competence, physical or mental health of an individual. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Those in attendance at the closed session were: Mayor Dean Baker, Robert Hall, Dan Olsen, Dennis Long, Gordon Kitchen Craig Blunt and Nikki Kay.

Gordon Kitchen **moved** to come out of the closed session. Dennis Long **seconded** the motion. The motion passed with all in attendance voting aye.

Craig Blunt handed out information to show the funding received by each entity for the 2012 SHSP Grant. Naples City should receive money for tactical vests and a laptop computer.

Mayor Baker asked Craig to get with Ashley Valley Water and Sewer regarding the sewer smell on 2000 East. He believes the levies have not been cleaned and asked Craig to follow up on that.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 9:30 p.m. Dan Olsen **seconded** the motion. The meeting was adjourned.

CLOSED SESSION

OTHER MATTERS

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 9th DAY OF AUGUST 2012

BY: _____

ATTEST: _____